



Pottsville Locality Based Development Code

Tweed Development Control Plan Section B21

Amendments

Version	Effective	Description	Authorised
1.0	-	Public exhibition document	Council resolution 15/09/09
2.0	28/4/2010	Adopted Version	Council resolution 20/04/10
3.0	22/11/2023	Adopted Version (pgs 148-149 only)	Council resolution 26/10/23

**Tweed Development Control Plan
Section B21**

POTTSVILLE LOCALITY BASED DEVELOPMENT CODE

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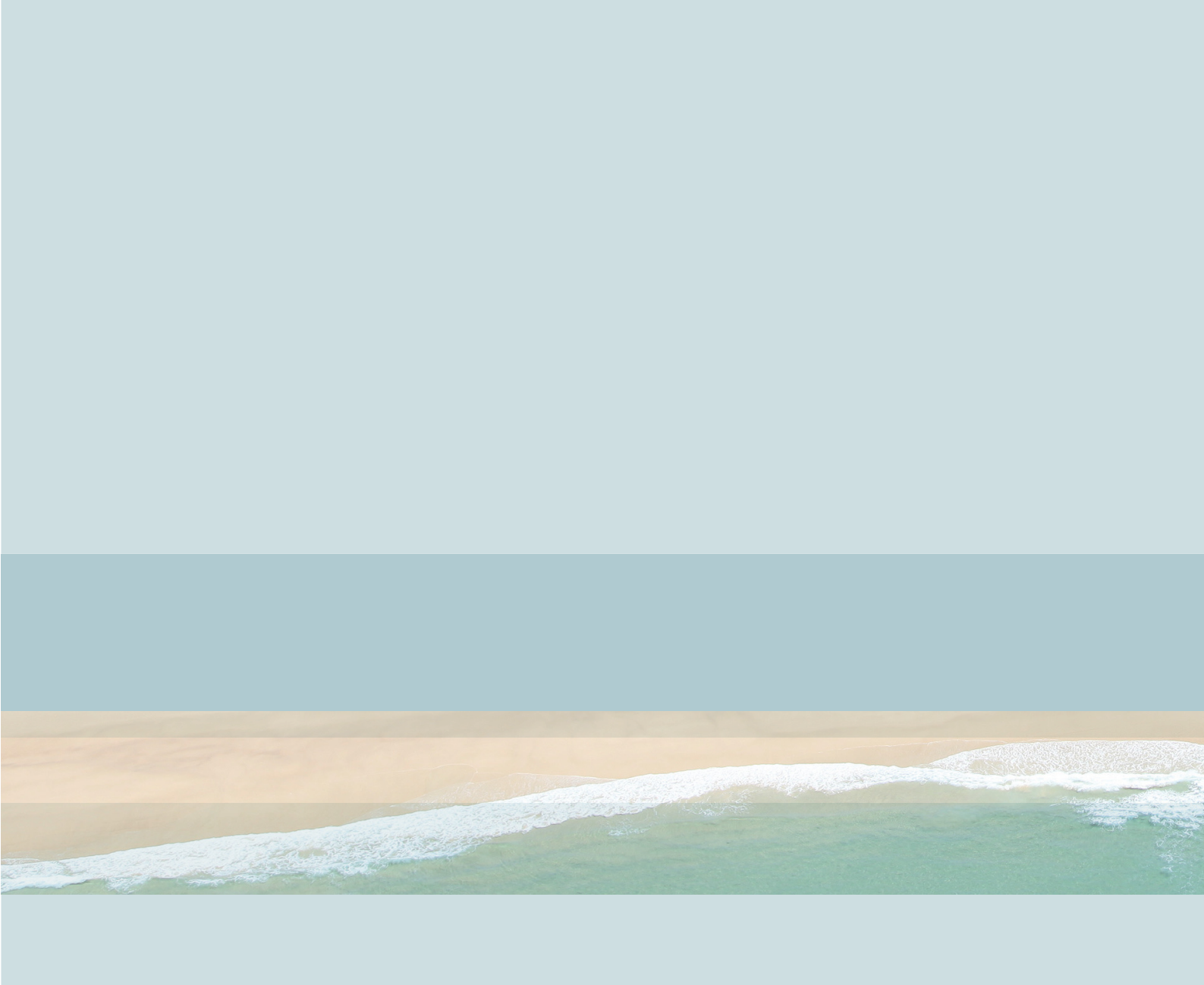


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PART 01 INTRODUCTION

Preface

- 1** The Purpose Of This Locality Based Development Code
- 2** Name Of This Code
- 3** Land And Development Covered By This Code
- 4** Relationship To Other Documents
- 5** How To Use This Section Of The Tweed DCP
- 6** Code Preparation



Preface

Since 2006, Tweed Shire Council have been undertaking a number of planning studies for key issues and locations in the Shire, all contributing to a comprehensive review of the Local Environmental Plan 2000 and Tweed Development Control Plan. The Pottsville Locality Based Development Code (“**the Code**”) was foreshadowed within the Tweed Futures 04-24 Plan and is a component of this wider exercise and is intended to provide the framework for managing growth in Pottsville over the next 25 years, building upon the work contained within the Pottsville Village Strategy 1998. **Figure 1.2** identifies the boundary of the Pottsville locality under this Code.

The Pottsville Locality Plan project brief required a Background Planning Study, a Structure Plan and a Development Control Plan to be prepared. These represent the key constituent parts of this Code.

The Code has been prepared on the basis of extensive analysis and stakeholder input in regard to a wide range of key issues, including traffic and transport, community facilities, retail and employment, urban development, built form, landscape and environmental protection, as well as streetscape and village centre issues.

Based on those findings, the Code provides policy guidance in relation to a number of key strategy areas. These include:

- **Urban Structure;** illustrating the broad pattern of land use and interrelationship of activities.
- **Major Retail Development;** The future of Pottsville has much to do with the demand for major retail development and its intended form and location. Strategies have been developed to provide siting and design guidance.
- **Pottsville Village Centre;** Pottsville village centre will continue as the dominant meeting place and business centre focus for the local community. Strategies have been designed to ensure the dominant role of the village as the primary business and shopping area in the locality, and to ensure that the village remains the hub for community activity and events.

POTTSVILLE LOCALITY BASED DEVELOPMENT CODE

INTRODUCTION

- PURPOSE OF THE CODE
- RELATIONSHIP TO OTHER DOCUMENTS
- HOW TO USE THIS SECTION

POTTSVILLE IN CONTEXT

- EXISTING CHARACTER
- KEY STRATEGIC PLANNING ISSUES
- LOCAL PLANNING FRAMEWORK

LOCALITY WIDE STRATEGIES

- URBAN STRUCTURE
- TRAFFIC & TRANSPORT
- ENVIRONMENT & COMMUNITY

AREA SPECIFIC STRATEGIES

- POTTSVILLE VILLAGE CENTRE
- POTTSVILLE NORTH
- KOALA BEACH
- SEABREEZE ESTATE
- POTTSVILLE WATERS
- BLACK ROCKS ESTATE

- DUNLOE PARK RELEASE AREA
- KINGS LAND RELEASE AREA
- EMPLOYMENT RELEASE AREA

APPENDICES

- FULL LINE SUPERMARKET MATRIX
- KEY DEVELOPMENT SITES
- DEVELOPING ON SLOPING SITES
- KOALA BEACH LANDSCAPE SPECIES
- POTTSVILLE CONSTRAINTS MAPPING
- COMMUNITY CONSULTATION

- **Residential Neighbourhoods;** Broad strategies that will guide the development of Pottsville's residential neighbourhoods, particularly new development areas, have been established.
- **Employment;** This Code reinforces the establishment of a new employment area for the Pottsville locality as identified in the Far North Coast Regional Strategy and Tweed Urban and Employment Land Release Strategy 2009 in the western part of the study area.
- **Community Facilities;** The type, location and accessibility of community facilities are important aspects for any area. Strategies have been designed and geared to assist with identifying demand for community infrastructure and the suitable locations for them. The delivery of community services, although primarily addressed in the Council's Whole of Shire Cultural and Community Facilities Plan, is also discussed.
- **Public Domain Improvements;** The quality of the public domain has important implications for the character of a place, the way it is used and appreciated. Several strategies have been developed to assist and guide the development and maintenance of a high quality public domain within the locality.
- **Traffic and Transport;** Vitally important for the functional efficiency of a place, as well as the way it is able to be used and appreciated. Strategies are provided for the road system, public transport, walking and cycling in Pottsville.
- **Open Space and Recreation;** Strategies are detailed on the general use of open space areas, their ability to provide a variety of functions and their integration into the built environment of Pottsville.
- **Infrastructure;** Investigate upgrading and expansion of existing cycleway and bus shelter facilities through Section 94 and other funding mechanisms. This Code provides information on urban structure and infrastructure demand that Council can use to forward plan for the collection of contributions for key community infrastructure.

**Figure 1.0 Locality Based
Development Code
Key Strategy Components**

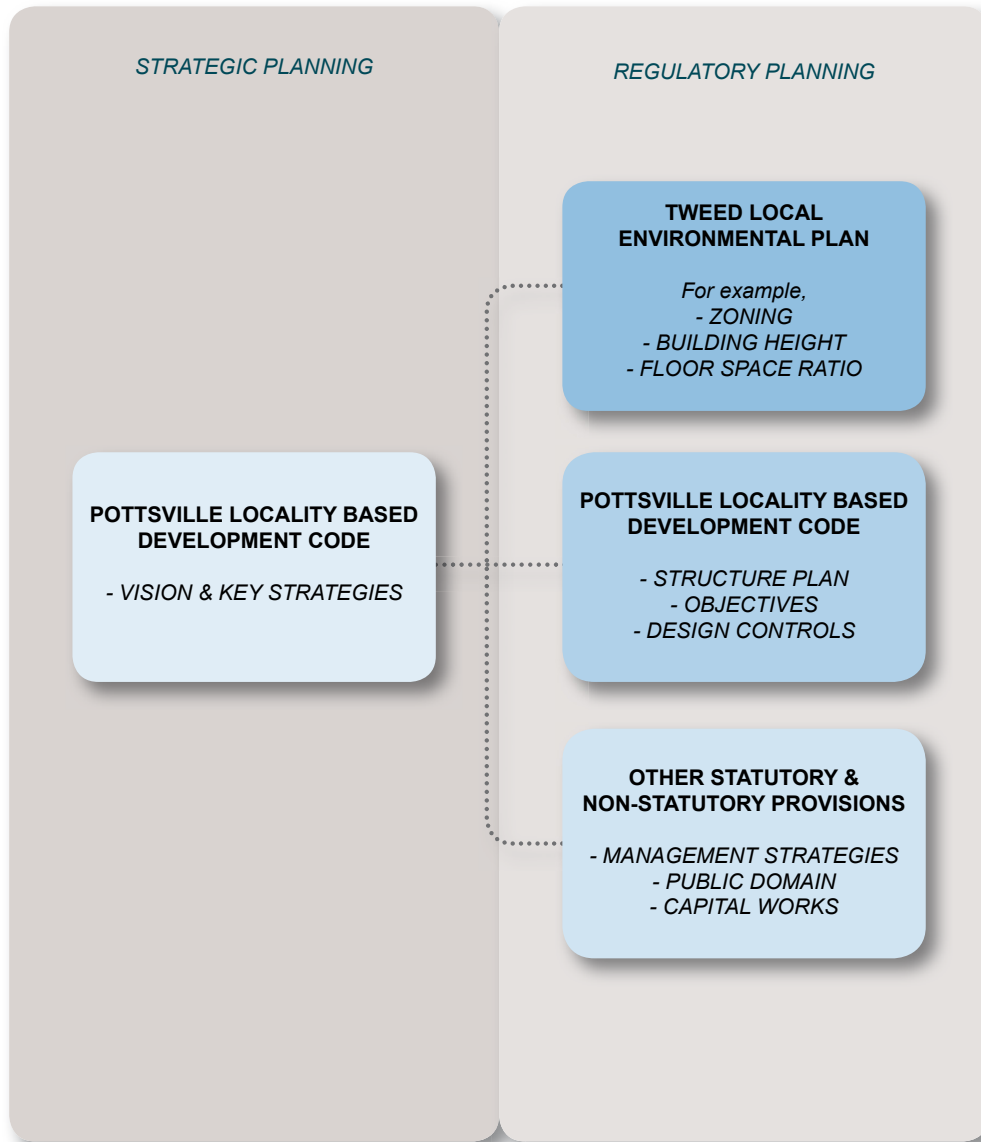


Figure 1.1 Locality Based Development Code Implementation

This Code combines both elements of the planning process so that the regulatory component has a strong strategic focus, justification and relevance. The above illustrates the relationship between the Locality Based Development Code and the various implementation mechanisms.

1 The Purpose of this Locality Based Development Code

This Section of the Tweed Development Control Plan has been prepared in accordance with Part 3 Division 6 of the Environmental Planning and Assessment Act 1979 (“the Act”) and with Part 3 of the Environmental Planning and Assessment Regulation 2000.

This Code is part of a strategic framework for guiding the future development of the Pottsville locality and represents the most detailed level of the strategic framework.

The Code provides more detailed provisions to expand upon the Tweed Local Environmental Plan (TLEP) and Tweed DCP for development within the Pottsville locality that will:

- Contribute to the growth and character of the Pottsville village centre and surrounding areas,
- Protect and enhance the public domain, and
- Provide for future retail and employment centres as the population increases to meet the needs of the Pottsville locality area.

Under Section 79C of the Act, the consent authority is required to take into consideration the relevant provisions of this Code in determining an application for development within the identified Pottsville locality.

2 Name of the Code

This Section is called “Section B21 – Pottsville Locality Based Development Code” of the Tweed Development Control Plan 2008.

3 Land and Development Covered by this Code

The controls identified within this Section of the Tweed DCP apply to development on land within the area bounded by the red line described in **Figure 1.2** of this Code.

4 Relationship to other Documents

The Tweed Local Environmental Plan (TLEP) is the principal environmental planning instrument applying to the Pottsville Locality. This Section of the Tweed DCP contains detailed provisions that supplement the provisions of the TLEP. If there is any inconsistency between this Section of the Tweed DCP and the TLEP, the TLEP shall prevail to the extent of that inconsistency.

A Residential and Tourist Development Code (Tweed DCP Section A1) has been prepared by Council to apply to all forms of residential and tourist development within the Tweed Shire area. Section A1 is based on “building typologies” and is not site specific. This Section of the Tweed DCP has been developed specifically to apply to the conditions, opportunities and constraints present within the Pottsville locality. This Section may therefore provide for particular development types that differ to those covered by the Residential and Tourist Development Code.

Where an inconsistency arises between this Section and the Residential and Tourist Development Code, this Section will prevail to the extent of that inconsistency. Where this Section is silent in regard to a particular issue, the provisions of the Residential and Tourist Development Code will apply.

The various technical policies, guidelines and codes of Tweed Shire Council also apply to the area of this Code in the manner they were originally intended. In some instances however, the particular circumstances of the Pottsville locality have warranted an alternative approach to those requirements. Where an inconsistency arises between this Section and the Council’s various technical policies, guidelines and codes, this Section will prevail to the extent of that inconsistency.

5 How to use this Section of the Tweed DCP

This Development Code, which is part of Tweed DCP 2008 is comprised of 5 parts:

**Part 01:
Introduction**

**Part 02:
Pottsville in
Context**

**Part 03:
Locality
Wide
Strategies**

**Part 04:
Area
Specific
Strategies**

**Part 05:
Appendices**

1. *Introduction* - This part identifies the boundaries, purpose and the relationship of the Code to other controls within the existing planning framework.
2. *Pottsville in Context* - This part provides an overall picture of existing conditions and statutory strategic planning framework for the Pottsville Locality
3. *Locality Wide Strategies* - This part details strategies and controls, in the context of an overarching vision and a number of key strategies, which are in turn implemented through a variety of means. The theme's discussed in this part affect the whole of the locality.
4. *Area Specific Strategies* - The particular opportunities, constraints, character and values of each precinct within the Pottsville locality are given particular emphasis through additional guidelines within this Part.

Each of the Sections of Parts 3 and 4 in this Plan utilise a similar format:

- *Existing Condition* – Evaluates the existing natural and built environment, key constraints and opportunities and characteristics.
 - *Strategy* – Identifies the desired outcome for each design element, precinct or theme. The rationale for the strategies is also provided.
 - *Implementation Methods* – Provides the principal means of achieving the objectives and may include numeric and/ or non-numeric requirements. It is the responsibility of the applicant to detail how these requirements are met, or in cases where they may not be applicable, establish the reasons why, within the context of any application lodged with Council.
5. *Appendices* - This part provides further supporting information relevant to the locality, including a full-line supermarket matrix, key development site concepts, constraint mapping and the public submission review.

In preparing an application for development, there are a number of specific steps that should be followed:

Step 1: Check the zoning of the site under the Tweed Local Environmental Plan to ensure that the proposed development is permissible and to determine what related provisions apply. Where a proposed development is inconsistent with the land use provisions of the Tweed LEP, refer to Step 7.

Step 2: Establish what other Sections of this DCP or Council Policies apply to the site.

Step 3: Familiarise yourself with the context, Locality Wide Strategies and Area Specific Strategies for the Pottsville Locality.

Step 4: Determine which Area the site is located within.

Step 5: Consider the Existing Condition, Strategy and Development Control and Implementation for the particular Area. Where a proposed development is consistent with the Strategy for a particular precinct, but inconsistent with the land use provisions of Tweed LEP, refer to Step 7.

Step 6: Follow the applicable design guidelines and refer to other applicable DCPs and policies. It is these components that will be used by Council to assess any development proposal.

Step 7: Where a proposed development is consistent with the Strategy and Development Control and Implementation for a particular Area, but is inconsistent with the land use provisions of Tweed LEP, the applicant will need to rezone the land in accordance with the provisions of the Environmental Planning and Assessment Act, 1979. Where a proposed development is inconsistent with the provisions of both Tweed LEP and the Strategy and Development Control and Implementation for a particular Area, the proposed development may be supported.

Compliance with the provisions of this Section does not necessarily imply that Council will grant consent to an application. Council must, in relation to development applications, also have taken into consideration those matters listed under Section 79(C) of the Environmental Planning and Assessment Act, 1979.

